

### REMARKS

The double patenting rejection as per page 2 paragraph 2 of the office action of March 15, 2005 has been noted and is respectfully traversed. It is submitted that the claims pending in the case do not amount to double patenting in view of the claims of US Patent NO. 6,665,981 BI for the following reasons.

The claims of the cited '981 patent all relate to a process for planting "plants". In contrast to these "plants" the claims of the allowed claims all relate to a process for planting "seeds". It is felt that the difference between "plants and "seeds" makes the presently pending claims allowable.

As to the obvious type double patenting rejection of claims 6-8, 11,14-16 and 18-21, the applicant submits herewith a terminal Disclaimer. As a result of this Terminal Disclaimer the term of any patent issuing out of the subject application is limited to the term of parent issued patent 6,665,981 BI. The filing of this Terminal Disclaimer obviates the obvious-type double patenting rejection.

As to the allowance of claims 9-3, 6-11 and 14-21 the Examiner is thanked for this allowance. In view of the above set forth remarks and comments the application is deemed to be in condition for allowance.

The references cited by the Examiner have been noted and are deemed to non pertinent to the claims as are now pending.



*Donald R Bahr*

Respectfully submitted,

Donald R. Bahr (Reg. No. 21,011)  
Attorney for the Applicant  
2608 Merida Lane  
Tampa, Florida 33618  
Telephone (813) 962-0817

I hereby certify that this Amendment is being deposited  
with the United States Postal Service  
as first class mail in an envelope addressed to  
Commissioner for Patents  
Alexandria, Virginia 22313

*Donald R Bahr*  
Donald R. Bahr

6/21/05  
Date of Signature